UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF ALLOWANCE AND FEE(S) DUE

58328   7590   12/15/2009

SUN MICROSYSTEMS
C/O SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606-1080

EXAMINER
MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
2445	

DATE MAILED: 12/15/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,345	01/30/2004	James B. Clarke	06502.0577	5235

TITLE OF INVENTION: DYNAMIC PROVISIONING OF IDENTIFICATION SERVICES IN A DISTRIBUTED SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$0	$0	$1510	03/15/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED.   THIS STATUTORY PERIOD CANNOT BE EXTENDED.   SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION.   IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Complete and send this form, together with applicable fee(s), to: <u>Mail</u>   Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or <u>Fax</u>   (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,345	01/30/2004	James B. Clarke	06502.0577	5235

TITLE OF INVENTION: DYNAMIC PROVISIONING OF IDENTIFICATION SERVICES IN A DISTRIBUTED SYSTEM

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nonprovisional	NO	$1510	$0	$0	$1510	03/15/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
MIRZA, ADNAN M	2445	709-224000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:

❑ Issue Fee

❑ Publication Fee (No small entity discount permitted)

❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): (**Please first reapply any previously paid issue fee shown above**)

❑ A check is enclosed.

❑ Payment by credit card. Form PTO-2038 is attached.

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

❑ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.   ❑ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1142 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1142 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)
Notice of Allowability	10/767,345	CLARKE ET AL.
	Examiner	Art Unit	
	ADNAN MIRZA	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *08/12/2009*.

2. ☒ The allowed claim(s) is/are *1,3-11 and 14-22*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

          International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

       Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

/Rupal D. Dharia/
Supervisory Patent Examiner, Art Unit 2400

1   <u>EXAMINER'S AMENDMENT</u>

2

3   An Examiner's Amendment to the record appears below. Should the

4   changes and/or additions be unacceptable to applicants, an amendment

5   may be filed as provided by 37 CFR 1.312. To ensure consideration of

6   such an amendment, it must be submitted no later than the payment of the

7   issue fee.

8

9   Authorization for this Examiner's Amendment was given in a telephone

10   interview with Day Michael L. on 12/01/09.

11

12   Please amend claims 1,11,17 and cancel claims 12 and 13.

13

14   **Listing of Claims**

15

16   1. (currently amended) A method for providing an identification service in

17   a distributed system, said identification service comprising a plurality of

18   service elements, said method comprising:

19   for at least one of the plurality of service elements, determining

20   whether an application corresponding to the service element is running in

21   the distributed system;

22   dynamically creating an application corresponding to the service

23   element, when said determining step determines that the application is not

24   running, wherein each service element comprises an adapter that receives

25   identification data from a reader, a filter that processes the identification

26   data, and a logger that receives the processed data from the filter and

27   notifies a recipient of the processed data; and

28   monitoring the service elements to determine whether any service

29   element fails<u>, wherein:</u>

30   <u>the dynamically creating further comprises (a)downloading</u>

31   <u>code for the application corresponding to each service element</u>

32   <u>from a code server in the distributed system; and (b) registering the</u>

33   <u>application corresponding to each service element with a registry</u>

34   <u>service in the distributed system; and .</u>

35   <u>the identification information further includes at least one of:</u>

36   <u>a location of the item, a time the identification information was read</u>

37   <u>from the item, a date the identification information was read from</u>

38   <u>the item, an identifier of the reader, and a location of the reader.</u>

39

40

41   2. (canceled)

42

43   3. (previously presented) The method of claim 1, wherein an event

44   handling protocol establishes communication whereby the identification

45   data is transmitted as an event produced by the adapter.

46

47   4. (previously presented) The method of claim 1, wherein an event

48   handling protocol establishes communication whereby the processed data

49   is transmitted as an event produced by the filter.

50

51   5. (previously presented) The method of claim 1, wherein an event

52   handling protocol establishes communication whereby the user is notified

53   by an event produced by the filter.

54

55 6. (original) The method of claim 1, further comprising re-establishing

56 communication with a service element, when the service element fails.

57

58 7. (original) The method of claim 1, wherein the service elements further

59 include a queue, the method further comprising:

60 receiving, by the queue, the identification data; and holding the

61 identification data in queue for the filter.

62

63 8. (original) The method of claim 1, wherein the processing further

64 comprises: extracting an identification code from the identification data,

65 and wherein the processed data comprises the identification code.

66

67 9. (original) The method of claim 8, wherein the identification code is an

68 electronic product code (EPC).

69

70 10. (original) The method of claim 1, wherein the reader is a Radio

71 Frequency Identification (RFID) tag reader and the identification data

72 represents an RFID tag.

73

74 11. (currently amended) A method for providing an identification service

75 in a distributed system, said identification service comprising a plurality of

76 service elements, said method comprising:

77   dynamically creating an application corresponding to at least one

78 of the plurality of service elements, wherein each service element

79 comprises an adapter that receives identification data from a reader, a

80 filter, that processes the identification data, and a logger that receives the

81 processed data from the filter and notifies a recipient of the processed

82 data; and

83   monitoring the application corresponding to each service to

84 determine whether any application fails, wherein:

85   <u>the dynamically creating further comprises (a)downloading</u>

86   <u>code for the application corresponding to each service element</u>

87   <u>from a code server in the distributed system; and (b) registering the</u>

88   <u>application corresponding to each service element with a registry</u>

89   <u>service in the distributed system; and .</u>

90   <u>the identification information further includes at least one of:</u>

91   <u>a location of the item, a time the identification information was read</u>

92   <u>from the item, a date the identification information was read from</u>

93   <u>the item, an identifier of the reader, and a location of the reader.</u>

94

95   .

96

97   12. (canceled)

98

99   13. (canceled)

100

101   14. (original) The method of claim 11, wherein the reader is a Radio

102   Frequency Identification (RFID) tag reader.

103

104   15. (original) The method of claim 11, wherein the identification code is

105   an electronic product code (EPC).

106

107   16. (original) The method of claim 11, further comprising:

108   formatting the processed data according to a format corresponding to the

109   user.

110

111   17. (currently amended) A system for providing a distributed identification

112   service comprising:

113   a reader service having comprising a plurality of service elements

114   wherein each service element comprises: an adapter that receives

115 identification information from a reader, a filter that processes the

116 identification information, and a logger that notifies a user of the

117 processed information;

118   a registry service that establishes the reader service;

119   a monitor service that determines whether the reader service fails

120 and

121   a service provisioner that requests dynamic creation of an

122 application corresponding to the service elements, if the application

123 corresponding to the service elements is not running in the system,

124 wherein:

125   the dynamic creation of the application further comprises

126   (a)downloading code for the application corresponding to each

127   service element from a code server in the distributed system; and

128   (b) registering the application corresponding to each service

129   element with a registry service in the distributed system; and

130 the identification information further includes at least one of: a location of

131 the item, a time the identification information was read from the item, a

132 date the identification information was read from the item, an identifier of

133 the reader, and a location of the reader.

134

135

136 18. (original) The system of claim 17, further comprising: a code server

137 containing code for use in establishing the reader service and its service

138 elements.

139

140 19. (original) The system of claim 17, wherein the reader is a Radio

141 Frequency Identification (RFID) tag reader.

142

143 20. (original) The system of claim 17, wherein the reader is configured to
144 read the identification information from an item, and the identification
145 information includes an identification code for the item.
146
147 21. (original) The system of claim 20, wherein the identification code is
148 an electronic product code (EPC).
149
150 22. (original) The system of claim 17, wherein the user is an application.
151
152
153
154 *Reasons for Allowance*
155
156 1.   Claims 1, 3-11, 14-22 will be allowed.
157
158 2.   The following is an examiner's statement of reasons for allowance.
159   The prior art references most closely resembling the applicants
160 claimed invention are Swann et al (U.S. 2005/0086239) and further in view
161 of Bowman-Amuah (U.S 6,370,573).
162   First, Swann disclosed a configurable analysis systems that provide
163 non-information technology specialists with the capability of modifying the
164 ways in which information is organized. However Swann failed to disclose,
165 "wherein: the dynamic creation of the application further comprises
166 (a)downloading code for the application corresponding to each service
167 element from a code server in the distributed system; and (b) registering
168 the application corresponding to each service element with a registry
169 service in the distributed system; and the identification information further

170   includes at least one of: a location of the item, a time the identification

171   information was read from the item, a date the identification information

172   was read from the item, an identifier of the reader, and a location of the

173   reader". These limitations are incorporated into all of the independent

174   claims (claims 1,11,17).

175

176   Second Bowman-Amuah disclosed managing en environment of a

177   development architecture framework. Service of a system is managed

178   based on service level agreements and /or operations level agreements.

179   However Bowman-Amuah failed to disclose "wherein: the dynamic

180   creation of the application further comprises (a)downloading code for the

181   application corresponding to each service element from a code server in

182   the distributed system; and (b) registering the application corresponding to

183   each service element with a registry service in the distributed system; and

184   the identification information further includes at least one of: a location of

185   the item, a time the identification information was read from the item, a

186   date the identification information was read from the item, an identifier of

187   the reader, and a location of the reader". These limitations are

188   incorporated into all of the independent claims (claims 1,11,17).

In summary, the Examiner submits that Swann and Bowman-Amuah taught all the limitations of independent claims in combination with other elements. Specifically prior art does not teach wherein: the dynamic creation of the application further comprises (a)downloading code for the application corresponding to each service element from a code server in the distributed system; and (b) registering the application corresponding to each service element with a registry service in the distributed system; and the identification information further includes at least one of: a location of the item, a time the identification information was read from the item, a date the identification information was read from the item, an identifier of the reader, and a location of the reader; therefore, claims 1, 3-11, 14-22 have been deemed allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adnan Mirza whose telephone number is (571) 272-3885. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Vivek Srivastava can be reached on (571)-272-7304. The fax phone

numbers for the organization where this application or proceeding is assigned are listed

herein below.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group receptionist whose telephone number is

(703)746-7239. Customer service number is (866) 217-9197.

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445